



Equal Employment Opportunity Commission (EEOC)

EEOC Public Portal User's Guide

Vol 6 – Hearings with the EEOC

March 19, 2020

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Introduction to the EEOC Public Portal

The EEOC Public Portal is a secure, web-based application developed for individuals to interact with the EEOC regarding a complaint of employment discrimination. Using the EEOC Public Portal, you may file a complaint against an employer in the Private Sector (i.e. Business or non-profit) or a State or Local Government Agency. If you work or worked for the U.S. Federal Government as an employee or a contractor, or applied to work for the Federal Government, you may request a hearing with or appeal a decision to the EEOC regarding your formal EEO complaint. The EEOC Public Portal is the primary point of communication between you and the EEOC.

About the User's Guide

The EEOC Public Portal User's Guide ("User's Guide") provides comprehensive guidance for using the EEOC Public Portal features and functions. The User's Guide is published as individual documents, each of which covers a feature or related features of the EEOC Public Portal.

The following EEOC Public Portal User's Guide documents are available; the highlighted Document Name is the one you're reading right now:

- ❖ Vol 1 – Getting Started (learn about logging into the EEOC Public Portal, the Portal structure, and other basic information)
- ❖ Vol 2 – Submit an Online Inquiry to the EEOC
- ❖ Vol 3 – Post-Inquiry Tasks (learn about scheduling an interview with the EEOC, entering Supplemental Information, filing a Charge of Discrimination)
- ❖ Vol 4 – Post-Charge Tasks (learn how to check the status of your case, respond to an Invitation to Mediate, request/respond to a Respondent's Position Statement)
- ❖ Vol 5 – Charge Closure (learn what happens when your charge has been closed)
- ❖ **Vol 6 – Hearings with the EEOC**
- ❖ Vol 7 – Appealing Federal Agency Decisions to the EEOC
- ❖ Vol 8 – Manage Case/Charge Information (learn how to display information about your case, enter/update your personal information, add representatives, and submit/receive documents associated with your case)

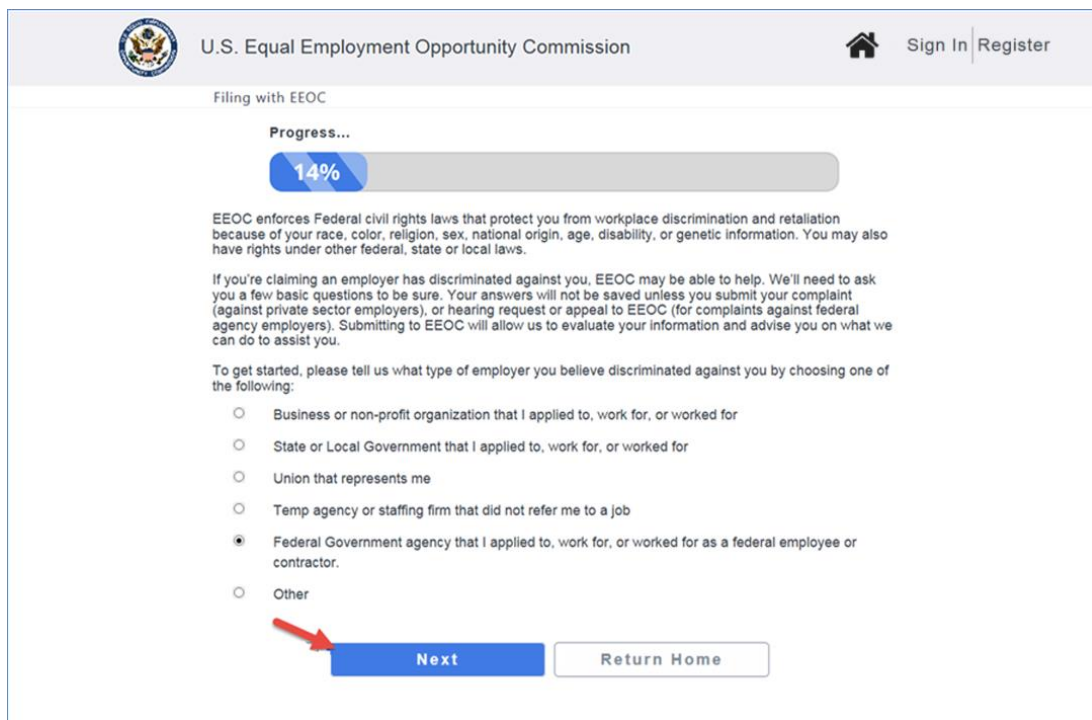
Chapter 1 Request a Hearing with EEOC

When you file a formal EEO Complaint with a Federal Government agency, that agency is expected to complete its investigation within 180 days from the day the complaint was filed; or, if the complaint was amended, 180 days from the day it was amended. The agency is then expected to issue you its Report of Investigation and/or a Notice of Right to Request a Hearing. If you have received the Report or the Notice, or if more than 180 days have passed since you filed or amended your complaint, you may request a hearing with an EEOC's Hearing Unit Office.

To request a hearing on your complaint through the EEOC Public Portal, perform the following steps:

Step 1. On the home page, click **Filing with EEOC**.

Step 2. When asked to identify the **Type of Employer** you believe discriminated against you, select 'Federal Government agency...' and click on the **Next** button.

The screenshot shows the 'Filing with EEOC' progress page. At the top, there is a header with the EEOC logo, the text 'U.S. Equal Employment Opportunity Commission', and links for 'Sign In' and 'Register'. Below the header, the page title 'Filing with EEOC' is displayed. A progress bar indicates '14%' completion. The main content area contains text explaining EEOC's role and the purpose of the form. It asks the user to select the type of employer they believe discriminated against them. The options are: 'Business or non-profit organization that I applied to, work for, or worked for', 'State or Local Government that I applied to, work for, or worked for', 'Union that represents me', 'Temp agency or staffing firm that did not refer me to a job', 'Federal Government agency that I applied to, work for, or worked for as a federal employee or contractor.' (which is selected), and 'Other'. A red arrow points to the 'Next' button at the bottom of the form, next to a 'Return Home' button.

Step 3. An informational page displays with links to help you learn more about EEOC and the hearing and appeal processes. When you are ready to continue, click on the **Next** button.

Step 4. The **What would you like to do?** page displays. Select **Request a Hearing about my formal EEO complaint** and click on the **Next** button.

U.S. Equal Employment Opportunity Commission

Sign In | Register

Filing with EEOC

Progress... 45%

What would you like to do?

- ☐ File a formal EEO complaint
- ☒ Request a hearing about my formal EEO complaint
(to complete this process, you will need to submit a signed copy of your Request for Hearing)
- ☐ File a new appeal

Next Back Return Home

Step 5. You will now be asked some questions to determine if the EEOC can help you. Select the appropriate response or fill in the requested information for each question. When you have completed the questions, click on the **Next** button.

➤ **Tip!** You may be asked more or fewer questions depending on your answers. The illustration below shows one possible outcome.

U.S. Equal Employment Opportunity Commission

Sign In | Register

Request Hearing

Progress... 70%

Assessment Questions

Have you contacted an EEO counselor about your claim*
☒ Yes ☐ No

Did you file a formal EEO complaint with the agency you allege discriminated against you?*
☒ Yes ☐ No

When did you file your formal EEO complaint?*

Did you receive the agency's Report of Investigation for your formal EEO complaint?*
☐ Yes ☒ No

Did you receive a Notice of the Right to Request a Hearing?*
☒ Yes ☐ No

Next Back Return Home

Step 6. To submit a Hearing request, you must have a user account. If you have not used the EEOC Public Portal before, click on the **Sign-Up Now** button to create your user account (see *EEOC Public Portal User's Guide Vol 1 – Getting Started for details*).

- **Tip!** If you already registered with the EEOC, click on the **Returning Users** button and login.

Step 7. Your personal information is displayed, which will be submitted with the online inquiry. This screen is view-only. Click on the **Continue** button to proceed.

- **Tip!** If you need to modify this information, click on the link at the top of the page to go to your User Account Information. When you have finished and submitted your changes, you will be returned to inquiry submission process.

U.S. Equal Employment Opportunity Commission

Welcome, [Joan](#) Log Out

Your Information

Progress... 15%

Information about you

This information is from your EEOC Public Portal Account and will be added to your case when you submit it. If you need to modify this information, please return to your Account Information to do so.

Prefix: Ms.

First Name:* Joan

Middle Initial: T

Last Name:* Worker

Suffix:

Address 1:* 150 Main Street

Address 2:

Country:* United States of America

Zip Code:* 60601

City:* CHICAGO

State:* Illinois

Email:* jtworker@mailinator.com

(Use your personal email, not your work email)

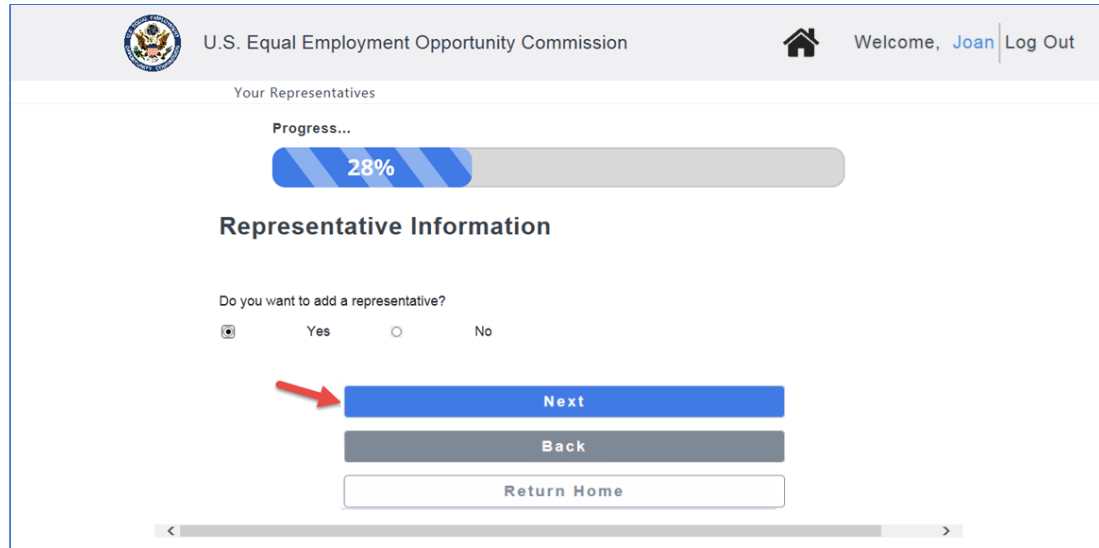
Home Phone (555) 413-1235

(At least one phone number must be entered*)

Cell Phone e.g., 1234567890

[Continue](#) [Return Home](#)

Step 8. Next, you will be asked if you want to enter information about your legal representative (this is optional, but if you are being represented by an attorney or another individual in the EEO process, you should identify your representative here). Select **Yes** or **No** and click on the **Next** button to continue.



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Welcome, [Joan](#) | [Log Out](#)

Your Representatives

Progress...

28%

Representative Information

Do you want to add a representative?

☒ Yes ☐ No

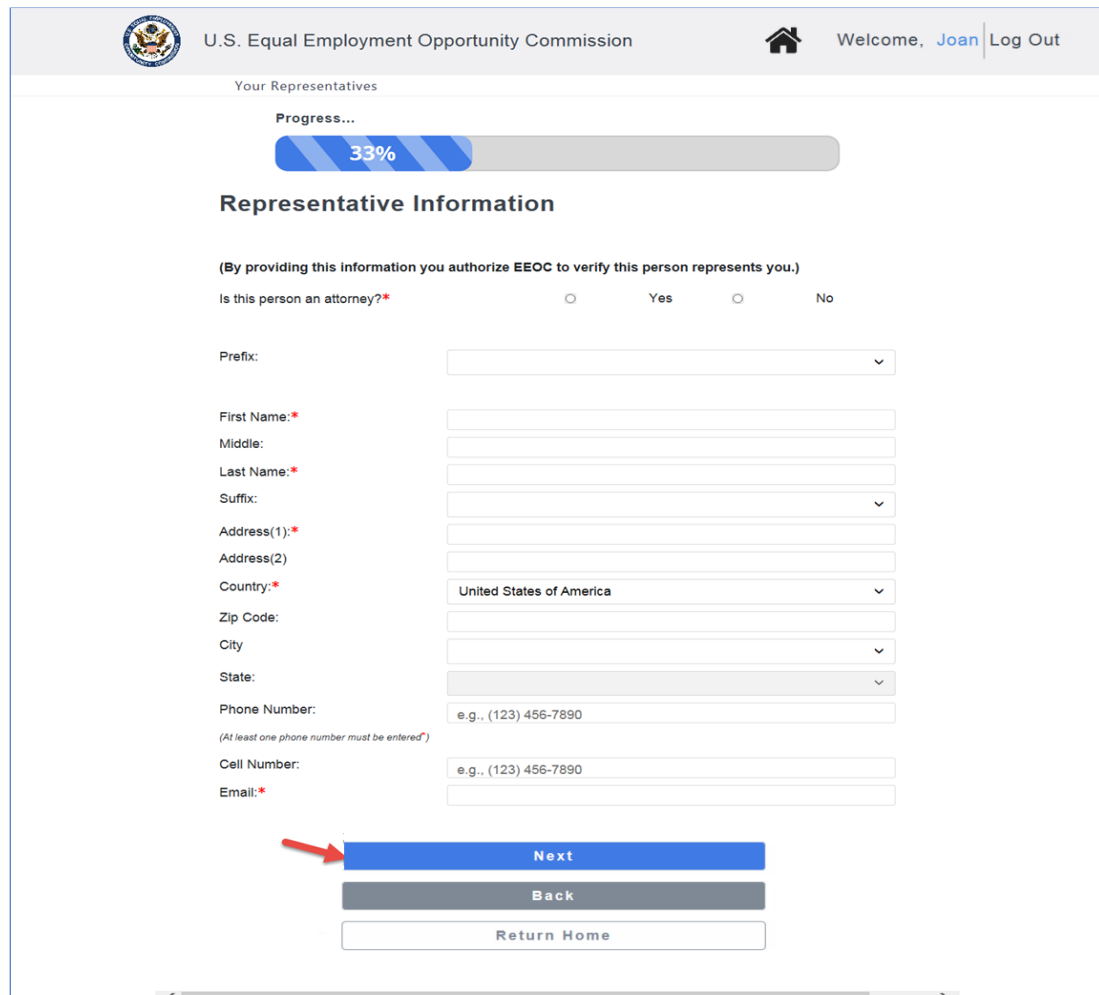
[Next](#)

[Back](#)

[Return Home](#)

- **Tip!** If you choose not to enter a legal representative now, you will be able to enter one later, on the **My Case Page**.

Step 9. If you selected **Yes**, a form will display for you to fill in the representative information. When you are finished, click on the **Next** button to continue.



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Your Representatives

Progress...

33%

Representative Information

(By providing this information you authorize EEOC to verify this person represents you.)

Is this person an attorney?*

☐ Yes ☒ No

Prefix:

First Name:*

Middle:

Last Name:*

Suffix:

Address(1):*

Address(2)

Country:*

Zip Code:

City

State:

Phone Number:

(At least one phone number must be entered*)

Cell Number:

Email:*

[Next](#)

[Back](#)

[Return Home](#)

- **Tip!** EEOC verifies that the representative represents you. EEOC expects a reply from the representative within 10 days of sending a verification email; if they haven't received a reply after 10 days, then you will receive an email notifying you that EEOC has been unable to verify the representative.

Step 10. A page displays showing the representative(s) you have entered. Click on the **Add Another Representative** button to add another representative. Click on the **View/Update Delete** button to make changes. When you are finished, click on the **Next** button to continue.

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Welcome, [Joan](#) | [Log Out](#)

Your Representatives

Progress... 42%

My Representatives

First Name	Last Name	Middle Initial	
Joe	Atty		View/Update/Delete

[Add Another Representative](#)

[Next](#) [Back](#) [Return Home](#)

Step 11. Next you must upload your Notice of Right to Request Hearing document, which you should have received from the agency named in your complaint. Click on the **Upload** button.

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Welcome, [Joan](#) | [Log Out](#)

Request Hearing

Progress... 66%

Hearing Document

Please submit the document you received from the Agency titled "Notice of Rights to File a Hearing".

If you do not have this document, please contact the Agency identified in your case.

No File Selected

[Upload Document](#)

[Next](#) [Back](#) [Return Home](#)

When the pop-up window displays, select the document and 'Request for Hearing' as the document type, and click on the **Upload** button on the window. The **Hearing Document** page will then display the file that you uploaded. You must upload the hearing request document before you can submit the hearing request.

Step 12. After uploading the document, the screen will appear as shown below. If you made a mistake and uploaded the wrong document, you can replace it with the correct document by clicking on the **Replace Document** button. Otherwise click on the **Next** button to continue.

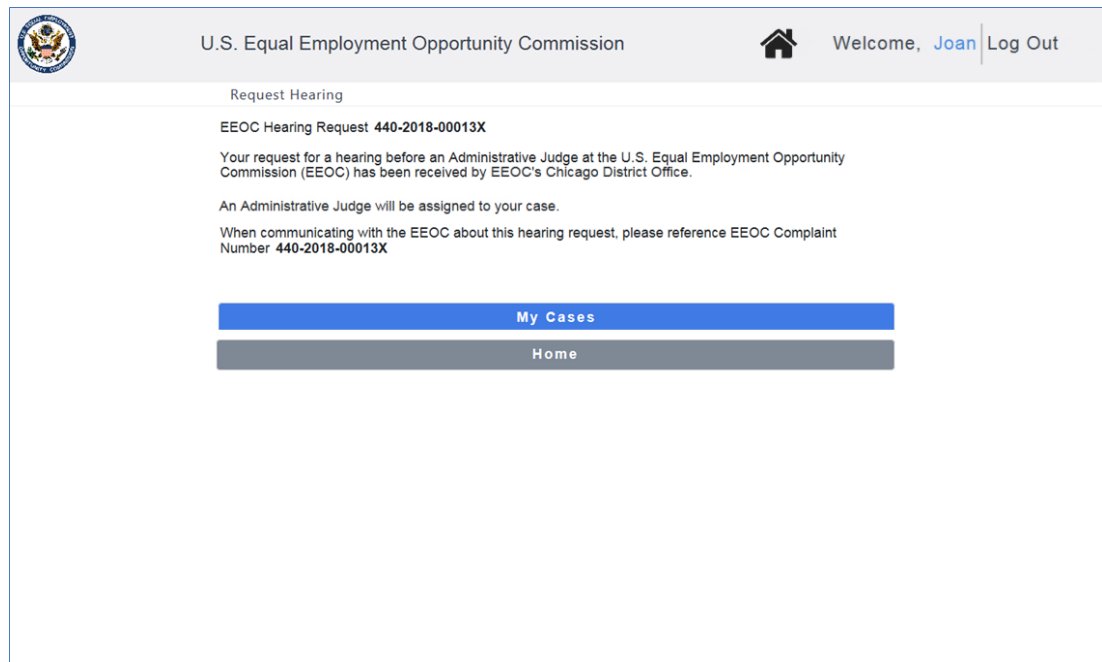
The screenshot shows the 'Request Hearing' page with a progress bar at 66%. The page header includes the EEOC logo, 'U.S. Equal Employment Opportunity Commission', a home icon, 'Welcome, Joan', and a 'Log Out' link. Below the progress bar, the section is titled 'Hearing Document'. It contains a message: 'If you submitted a document in error, you may click the **REPLACE** button to upload the correct document.' followed by a blue 'Replace Document' button. Below this is a note: 'Please **NOTE** that replacing the document will erase the previously uploaded document.' The filename 'Request for Hearing.docx' is displayed. At the bottom, there are three buttons: a blue 'Next' button (highlighted with a red arrow), a grey 'Back' button, and a white 'Return Home' button.

Step 13. Finally, you will be asked to enter information to identify your complaint. You must enter the Agency number, Agency name, and the EEOC office. When you are finished, click on the **Submit Request** button.

The screenshot shows the 'Request Hearing' page with a progress bar at 85%. The page header is identical to the previous screenshot. Below the progress bar, the section is titled 'Request Hearing'. It contains three input fields, each with a red asterisk indicating a required field: 'Agency number assigned to your Complaint:', 'Agency named in your complaint:', and 'EEOC office identified in your complaint:'. Each field has a dropdown arrow. At the bottom, there are three buttons: a blue 'Submit Request' button (highlighted with a red arrow), a grey 'Back' button, and a white 'Return Home' button.

Step 14. When the request is successfully submitted, you and the Agency will receive an email titled a "Notice of Receipt of Hearing Request". The Notice may also be downloaded from the **My Cases** page for the hearing request.

In the Portal, you will also see confirmation of your hearing request with your hearing number as shown below. (Note: the hearing number displayed is for a fictional hearing.)



Be sure to write down the hearing number so that you can reference it when communicating with the EEOC .

Step 15. Click on the **My Cases** button to display the page for your case, or the **Home** button to return to the Home page.

Chapter 2 Uploading Hearing Documents

After you have requested a hearing with the EEOC, you can upload documents associated with your hearing. Click on **My Cases** on the EEOC Public Portal Home Page, and then the EEOC Number in the case list. Click on the **Upload** button on the **My Case** page to begin and follow the prompts provided.

For Details see EEOC Public Portal User's Guide Vol 8 – Managing Case Information.

Chapter 3 Viewing and Managing Information About Your Case

After you have requested a hearing with the EEOC, you may view the details of your case and associated documents by clicking on **My Cases** on the EEOC Public Portal Home Page, and then the EEOC Number in the case list. From the **My Case** page you may also add Legal Representatives, update your contact information, and submit documents to the EEOC.

For Details see EEOC Public Portal User's Guide Vol 8 – Managing Case and Charge Information.

Chapter 4 Respond to an Invitation to ADR

All hearing requests upon submission and docketing are eligible for ADR except for complaints filed against the following Agencies:

1. Decennial Census Agency.
2. Central Intelligence Agency.
3. National Reconnaissance Office.
4. Office of the Director of National Intelligence.
5. National Security Agency.

You can view the invitation to participate in ADR and respond to it via the EEOC Public Portal. When you login, click on **My Cases** and then the hearing number in the list of cases; you will see the invitation on the **My Case** page below the **My Case** section as shown in Figure 1 below (the full text of the invitation to ADR can be found in Appendix A).

You will have 30 days to respond to the invitation. If you do not respond within 30 days, you will receive a weekly email reminder and if you do not respond after the reminder, EEOC may decide to move your case forward without mediation by assigning it to an Administrative Judge or Pending AJ assignment if your case is yet to be assigned to an Administrative Judge.

Figure 1 – Invitation to ADR

The screenshot shows the EEOC Public Portal interface. At the top, there is a header with the EEOC logo, the text "U.S. Equal Employment Opportunity Commission", a home icon, and a user greeting "Welcome, Joan | Log Out". Below the header, the main section is titled "My Case" with a blue button labeled "Update My Information". The content area displays "EEOC Hearing Request 440-2019-00195X" and a paragraph explaining the request. Below this, the status is "Referred to ADR". A section titled "The EEOC ADR Program:" includes the tagline "Your Partner in Workplace Solutions!". This is followed by an invitation to participate in the ADR program, detailing its benefits. Five reasons to participate are listed: it's the fastest way to resolve complaints (within 90 days), it's fair and confidential, it provides a final resolution, you control the outcome, and it's free and effective. A note at the bottom states, "We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Complainants consider the EEOC ADR Program their partner in workplace solutions". A red oval highlights a link: "For more information, please click [ADR Fact Sheet](#)". Another red oval highlights a response selection area: "Please select a response to the ADR Offer on this page by 11-23-2019" with radio buttons for "Yes" and "No". A final note states: "Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates."

U.S. Equal Employment Opportunity Commission

Welcome, [Joan](#) | [Log Out](#)

My Case

[Update My Information](#)

EEOC Hearing Request 440-2019-00195X

Your request for a hearing before an Administrative Judge at the U.S. Equal Employment Opportunity Commission (EEOC) has been received by the EEOC's Chicago District Office. An Administrative Judge will be assigned to your case. When communicating with the EEOC about this hearing request, please reference EEOC Hearing Request 440-2019-00195X

Status: Referred to ADR

The EEOC ADR Program:
Your Partner in Workplace Solutions!

We invite you to participate in the EEOC's Alternative Dispute Resolution (ADR) Program to efficiently resolve EEOC Number 440-2019-00195X. ADR is a no-cost, voluntary, and confidential opportunity for both parties to work with a neutral ADR facilitator to discuss and try to resolve your EEOC Complaint. ADR includes a variety of methods such as settlement conferences conducted by Administrative Judges and mediations with EEOC staff members or outside neutrals.

Here are five reasons you should participate:

It's the FASTEST way to resolve a complaints – We try to resolve complaint within 90 days.

It's fair and confidential – The ADR facilitator is a neutral facilitator who helps the parties find a solution to the problem. All discussions with the ADR facilitator are strictly confidential and are NOT part of the EEOC's adjudication of a case.

It provides a FINAL resolution to a complaint – ADR allows Complainants to address all of their filed claims.

You CONTROL the outcome – The ADR facilitator will work with you to identify the best options that exist to resolve the complaint at this early stage. The parties will determine what options are workable and you and the Agency are free to accept or reject any options.

It's FREE and EFFECTIVE – There is no cost to participate in ADR. EEOC resolves more than 50% of the complaints in the ADR program. If ADR doesn't resolve the complaint, then an EEOC Administrative Judge will be assigned and will proceed with the case.

We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Complainants consider the EEOC ADR Program their partner in workplace solutions

For more information, please click [ADR Fact Sheet](#)

Please select a response to the ADR Offer on this page by 11-23-2019

☐ Yes ☐ No

Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.

4.1 Accepting or Rejecting an Invitation to ADR

To respond to an invitation to ADR, perform the following steps:

- Step 1.** Login to the EEOC Public Portal. On the home page, click on **My Cases**.
- Step 2.** On the **My Cases** page, click on the EEOC number for your hearing request.
- Step 3.** On the **My Case** page, scroll down to where "Invitation to ADR" is displayed (see Figure 1 above).
- Step 4.** Select a response, either '**Yes**' or '**No**'.
- **Tip!** Click on the link at the bottom of the invitation to view the ADR Fact Sheet.
- Step 5.** If you selected '**Yes**', you will see this message in the EEOC Public Portal:

*Thank you for agreeing to participate in the EEOC ADR Program. Please click **Review and Sign Documents** below to review and sign the ADR and Confidentiality Agreements.*

*If the Agency also agrees to participate in ADR, we will contact you to schedule the ADR conference. If the Agency does not choose to participate in ADR, the EEOC will determine how to proceed with your case. **Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.***

We look forward to working with you in bringing this matter to amicable resolution and demonstrating why so many Complainants consider the EEOC ADR Program their partner in workplace solutions.


You must review and sign the ADR and Confidentiality agreements if you wish to proceed with the ADR program (the full text of the agreements can be found 0). Click on the **Review & Sign Documents** button.

The EEOC ADR Program:
Your Partner in Workplace Solutions!


Thank you for agreeing to participate in the EEOC ADR Program. Please click **Review and Sign Documents** below to review and sign the ADR and Confidentiality Agreements.

If the Agency also agrees to participate in ADR, we will contact you to schedule the ADR conference. If the Agency does not choose to participate in ADR, then EEOC will determine how to proceed with your case. **Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.**


We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Complainants consider the EEOC ADR Program their partner in workplace solutions

 [**Review and Sign Document**](#)

First the Agreement to Participate in ADR displays. Click on the box to "check" it and digitally sign the agreement (the signature will be automatically populated), then click on the **Next** button. If you want to go back to the **My Cases** page, click on the **Back** button



U.S. Equal Employment Opportunity Commission



Welcome, [Joan](#) | [Log Out](#)

U.S. Equal Employment Opportunity Commission
Chicago District Office

500 West Madison St
 Suite 2000
 Chicago, IL
 (312) 869-8000
 TTY: (800) 669-6820
 Fax: (312) 869-8220

AGREEMENT TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)

EEOC NUMBER: 440-2019-00195X
 AGENCY NUMBER: AYW00 Arctic Research Commission

COMPLAINANT: Joan Worker
 AGENCY: Arctic Research Commission

This is an agreement by the above parties to participate in mediation in the above referenced complaint. The parties understand that mediation is a voluntary process, which may be terminated at any time. The parties and, if they desire, their representatives and/or attorneys, are invited to attend a mediation session. No one else may attend without the permission of the parties and the consent of the mediator(s).

The mediator(s) will not function as the representative of either party. However, the mediator(s) may assist the parties in crafting a settlement agreement. Each party acknowledges being advised to seek independent legal review prior to signing any settlement agreement. The parties acknowledge that they have received a copy of the Mediation Fact Sheet. The parties acknowledge that the mediator(s) possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation.

The parties acknowledge that participation in the scheduled mediation does not constitute an admission by either party of any wrongdoing or of a violation of the laws enforced by EEOC. Furthermore, the Complainant acknowledges that participation in the scheduled mediation by the Agency does not commit the Agency to providing a monetary resolution of the matter.

The parties recognize that mediation is a confidential process and agree to abide by the terms of the attached Confidentiality Agreement. The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator(s) is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

☒ **I AGREE TO SIGN THIS DOCUMENT**

Complainant:

X Joan Worker Signed by Joan Worker On 07/10/19 15:59:52

Back

Next

Then the Confidentiality Agreement displays. Click on the box to “check” it and digitally sign the agreement (the signature will be automatically populated), then click on the **Sign Agreements** button. If you want to go back to the Agreement to Participate in ADR, click on the **Back** button.

U.S. Equal Employment Opportunity Commission
{Accountable EEOC Office}

500 West Madison St
Suite 2000
Chicago, IL
(312) 869-8000
TTY (800) 669-6820
Fax: (312) 869-8220

CONFIDENTIALITY AGREEMENT

EEOC NUMBER: 440-2019-00195X

1. I agree to participate voluntarily in mediation in an effort to resolve the complaint(s) filed with the EEOC.
2. I agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.
3. Any communications between the ADR Coordinator and the mediator(s) and/or the parties are considered dispute resolution communications with a neutral and will be kept confidential.
4. I agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party in any pending or future administrative or judicial proceeding. The parties further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.
5. Mediation sessions will not be tape-recorded or transcribed by the EEOC, the mediator or any of the participants. All information including all notes, records, or documents generated during the course of the mediation shall be destroyed at the conclusion of the session. Parties or their representatives are not prohibited from retaining their own notes. However, EEOC will not maintain any such notes or records as part of its record keeping procedures.
6. If a settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the complaint(s) is not resolved through mediation, it is understood by the parties that the complaint(s) will be assigned to an Administrative Judge further processing.

☒ **I AGREE TO SIGN THIS DOCUMENT**

Complainant:
X Joan Worker Signed by Joan Worker On 07/10/19 16:15:12

[Back](#) [Sign Agreements](#)

You will now be returned to the **My Case** page. The signed agreements will be automatically uploaded and will appear in the **My Documents** list. You will see this message in the EEOC Public Portal:

*Thank you for agreeing to participate in the EEOC ADR program. **Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.***

If the Agency also agrees to ADR and an ROI has been submitted, then the EEOC may move the case forward to ADR scheduling and you will be contacted to schedule ADR.

Once you have chosen '**Yes**' and signed the documents, the selection cannot be undone.

Step 6. If you selected '**No**', click on the **Save** button. You will see this message in the EEOC Public Portal:

*Thank you for your response. EEOC's staff will determine how to proceed with the processing of your complaint. We look forward to working with you in bringing this matter to an amicable resolution. If you had previously selected **No**, you may still select **Yes** should you decide to change your mind and proceed with the ADR program.*

Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.

The radio buttons will remain active in case you change your mind and decide to accept the ADR invitation.

4.2 ADR Outcomes

4.2.1 ADR Scheduled

After you accept the invitation to ADR, if the agency has also agreed to participate in ADR and the EEOC decides to move the case forward to ADR scheduling, this message is displayed on the screen:

Both parties have agreed to participate in ADR. EEOC will contact you when the ADR session is scheduled and will provide you with more information. No further action is required from you at this time.

When the ADR session has been scheduled, this message will be displayed on the screen:

An ADR session has been scheduled. Please be sure to make yourself available for this meeting.

4.2.2 ADR Held

When ADR has been held, this message will be displayed on the screen:

Both parties participated in ADR.

If ADR was successful, this message will be displayed on the screen:

The ADR session resulted in a resolution of the complaint. After the executed settlement is uploaded, this matter will be closed.

If a Closure Document is issued, this message will be displayed on the screen:

A Closure Document was issued in the case. To view the document, please access the document section of the Portal.

When the complaint is closed, the following messages will display on the screen:

The case is now closed. Please review the Closure Document for Appeal Rights, if applicable.

If ADR was unsuccessful, this message will be displayed on the screen:

The ADR session did not result in a resolution of the complaint. The parties will receive further instruction on the processing of the complaint from EEOC.

Additional status messages will be displayed as the complaint is processed (see Chapter 5).

4.2.3 Not Eligible for ADR

If the EEOC reviews the ROI and determines your case is not eligible for ADR, or you and the Agency declines the ADR invitation, your case will be Pending AJ assignment and this message will be displayed on the screen:

Upon further review this complaint is not considered for ADR and will be assigned to an Administrative Judge to continue processing. However, ADR may be considered after assignment to an Administrative Judge. Your patience is appreciated.

Additional status messages will be displayed as the complaint is processed (see Chapter 5).

Chapter 5 Hearing Conducted by the EEOC

If your complaint was not eligible for ADR (either because one or both parties declined, or the EEOC determined it is ineligible), or the ADR session did not result in a resolution, the EEOC will proceed with conducting a hearing. The case is assigned to an EEOC Administrative Judge (AJ) who will conduct the hearing, make a decision, and order relief if discrimination is found.

Once the AJ has made a decision, the agency will issue a final order notifying you if they agree with the AJ's decision and if they will grant any relief ordered. You have a right to appeal the AJ's decision and may file an appeal via the EEOC Public Portal. For details on how to file an appeal see *EEOC Public Portal User's Guide Vol 7 – Appeals to the EEOC*.

You may track the progress of your hearing via the EEOC Public Portal. Click on **My Cases** on the EEOC Public Portal Home Page, and then the EEOC Number in the case list. On the **My Case** page, you will see the current status of your hearing request and a detailed description. The status will be one of the following:

- Pending AJ Assignment
- Assigned to AJ
- Hearing Scheduled
- Hearing Held
- Closure Document Issued
- Closed

You may submit documents, and view documents issued by the agency and/or the EEOC, throughout the remainder of the hearing process via the EEOC Public Portal, on the **My Case** page for your hearing request (in the **My Documents** section).

For details on viewing case information and uploading/downloading documents see *EEOC Public Portal User's Guide Vol 8 – Managing Case Information*.

Appendix A. ADR Documents

Invitation to ADR

The EEOC ADR Program:

Your Partner in Workplace Solutions!

We invite you to participate in the EEOC's Alternative Dispute Resolution (ADR) Program to efficiently resolve EEOC Complaint {EEOC Number}. ADR is a no-cost, voluntary, and confidential opportunity for both parties to work with a neutral ADR facilitator to discuss and try to resolve your EEOC Complaint. ADR includes a variety of methods such as settlement conferences conducted by Administrative Judges and mediations with EEOC staff members or outside neutrals.

Here are five reasons you should participate:

It's the FASTEST way to resolve a complaint – We try to resolve complaint within 90 days.

It's fair and confidential – The ADR facilitator is a neutral facilitator who helps the parties find a solution to the problem. All discussions with the ADR facilitator are strictly confidential and are NOT part of the EEOC's adjudication of a case.

It provides a FINAL resolution to a complaint – ADR allows Complainants to address all of their filed claims.

You CONTROL the outcome – The ADR facilitator will work with you to identify the best options that exist to resolve the complaint at this early stage. The parties will determine what options are workable and the Agency is free to accept or reject any options. **It's FREE and EFFECTIVE** – There is no cost to participate in ADR. EEOC resolves more than 50% of the complaints in the ADR program. If ADR doesn't resolve the complaint, then an EEOC Administrative Judge will be assigned and will proceed with the case.

We look forward to working with you in bringing this matter to an amicable resolution and demonstrating why so many Complainants consider the EEOC ADR Program their partner in workplace solutions

Please select a response to the ADR Offer on this page by **<30 days from receipt of the ADR invitation>**.

☐ Yes ☐ No

Please note, assignment to the ADR Program is dependent upon available EEOC resources, such as available ADR facilitators, office inventory and available dates.

Agreement to Participate in ADR

U.S. Equal Employment Opportunity Commission
{Accountable EEOC Office}

{Office Address Line 1}
 {Office Address Line 2}
 {Office City, State Zip Code}
 {Office Main Phone}
 TTY {Office TTY}
 Fax: {Office Main Fax}

AGREEMENT TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION (ADR)

EEOC NUMBER: <Truncated EEOC Number>

AGENCY NUMBER: <AGENCY Number>

COMPLAINANT: <Complainant Name>

AGENCY: <AGENCY Name>

This is an agreement by the above parties to participate in mediation in the above referenced complaint. The parties understand that mediation is a voluntary process, which may be terminated at any time. The parties and, if they desire, their representatives and/or attorneys, are invited to attend a mediation session. No one else may attend without the permission of the parties and the consent of the mediator(s).

The mediator(s) will not function as the representative of either party. However, the mediator(s) may assist the parties in crafting a settlement agreement. Each party acknowledges being advised to seek independent legal review prior to signing any settlement agreement. The parties acknowledge that they have received a copy of the Mediation Fact Sheet. The parties acknowledge that the mediator(s) possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation.

The parties acknowledge that participation in the scheduled mediation does not constitute an admission by either party of any wrongdoing or of a violation of the laws enforced by EEOC. Furthermore, the Complainant acknowledges that participation in the scheduled mediation by the Agency does not commit the Agency to providing a monetary resolution of the matter.

The parties recognize that mediation is a confidential process and agree to abide by the terms of the attached Confidentiality Agreement. The parties acknowledge that if a settlement is reached as a result of the mediation, the assigned mediator(s) is required to report to EEOC any benefits received. This information is reported only for purposes of providing aggregate data to the EEOC for mediation program evaluation purposes, and the individual terms of the agreement will not be disclosed to the public.

{Signatory's Digital Signature}

{Date of Signature}

Signatory

Date

<Signatory Full Name>

Phone: {Signatory Phone} / Cell Phone: {Signatory Cell Phone}

Confidentiality Agreement

U.S. Equal Employment Opportunity Commission
{Accountable EEOC Office}

{Office Address Line 1}
 {Office Address Line 2}
 {Office City, State Zip Code}
 {Office Main Phone}
 TTY {Office TTY}
 Fax: {Office Main Fax}

CONFIDENTIALITY AGREEMENT

EEOC NUMBER: {Truncated EEOC Number}

1. I agree to participate voluntarily in mediation in an effort to resolve the complaint(s) filed with the EEOC.
2. I agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.
3. Any communications between the ADR Coordinator and the mediator(s) and/or the parties are considered dispute resolution communications with a neutral and will be kept confidential.
4. I agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party in any pending or future administrative or judicial proceeding. The parties further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.
5. Mediation sessions will not be tape-recorded or transcribed by the EEOC, the mediator or any of the participants. All information including all notes, records, or documents generated during the course of the mediation shall be destroyed at the conclusion of the session. Parties or their representatives are not prohibited from retaining their own notes. However, EEOC will not maintain any such notes or records as part of its record keeping procedures.
6. If a settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the complaint(s) is not resolved through mediation, it is understood by the parties that the complaint(s) will be assigned to an Administrative Judge for further processing.

{Signatory's Digital Signature}

{Date of Signature}

Signatory

Date

{Signatory}